

REMARKS

The present application was filed on September 8, 2003 and claims priority to United Kingdom and European applications filed December 24, 2002 and March 31, 2003, respectively. Claims 1, 14 and 18 are the independent claims.

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,619,554 (hereinafter "Hogan") in view of U.S. Patent 6,285,745 (hereinafter "Bartholomew").

In this response, Applicants respectfully traverse the §103(a) rejection. Applicants respectfully request reconsideration of the present application in view of the following remarks.

A proper *prima facie* case of obviousness requires that the cited references when combined must "teach or suggest all the claim limitations," and that there be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references or to modify the reference teachings. See Manual of Patent Examining Procedure (MPEP), Eighth Edition, August 2001, §706.02(j).

Applicants submit that the Examiner has failed to establish a proper *prima facie* case of obviousness in the present §103(a) rejection of claims 1, 14 and 18, in that the Hogan and Bartholomew references, even if assumed to be combinable, fail to teach or suggest all the claim limitations, and in that no cogent motivation has been identified for combining the references or for modifying the reference teachings to reach the claimed invention. Further, even if it is assumed that a proper *prima facie* case has been established, there are particular teachings in one or more of the references which controvert the obviousness argument put forth by the Examiner.

Independent claim 1 is directed to a messaging system comprising a plurality of distributed front-end messaging systems and a centralized data store associated with the distributed front-end messaging systems. The distributed front-end messaging systems are remotely located from one another and from the centralized data store, and the centralized data store is adapted for communication with the distributed front-end messaging systems over a network. The centralized data store includes means for storing data associated with users of the distributed front-end messaging systems, and the distributed front-end messaging systems further include respective means for storing respective different portions of the centralized data, the respective different portions being associated with respective subsets of the users of the

distributed front-end messaging systems, such that at least one messaging function can be provided to a given one of the users of a given one of said distributed front-end messaging systems in dependence on the portion of the centralized data stored therein.

Illustrative embodiments of the claimed arrangement provide a number of significant advantages over conventional messaging systems. See the specification at, for example, page 6, lines 8-11.

In formulating the §103(a) rejection of claim 1, the Examiner argues that the voice message server(s) 1302 and database 1304 in FIG. 13 of Hogan correspond to the respective distributed front-end messaging system(s) and centralized data store of claim 1. See the Office Action at page 3, second and third paragraphs. Applicants respectfully disagree. As disclosed in column 15, lines 20-33, elements 1302 and 1304 of FIG. 13 in Hogan are part of a voice message service 912. The voice message service 912 is itself part of a distributed voice messaging system. The distributed voice messaging system, as shown in FIG. 13, is specifically described at column 15, lines 21-25, as comprising a network control processor 304, an automated voice response unit 334, a DEF service 916, a front-end distributor 904, and voice messaging service 912. Accordingly, it is respectfully submitted that the voice message server(s) 1302 and database 1304 in FIG. 13 of Hogan fail to teach or suggest the respective distributed front-end messaging system(s) and centralized data store of claim 1 as alleged by the Examiner.

The Examiner further argues that the deficiencies in Hogan as applied to claim 1 are overcome by the teachings in FIG. 8 and column 27, lines 42-60 of Bartholomew. Applicants respectfully disagree. The relied-upon textual portion of the Bartholomew reference provides as follows:

FIG. 8 shows the architecture of two public switched telephone networks (PSTNs) of the type previously described with respect to FIG. 4 employing voice mail systems such as described with respect to FIGS. 5 and 6. The PSTNs are shown as clouds 400 and 402 having voice mail systems 404 and 406 of the type described. The voice mail systems are connected to the Internet 414 via interfaces, routers or gateways 408 and 410 of the type described. FIG. 9 shows such a voice mail system such as that shown in FIG. 5 connected to the interface 408 and Internet 414. The connection in the voice mail

system 120 is made to the Ethernet 129 via link 428. As previously described, the Ethernet carries stored messages in data form in addition to other types of data signaling. Messages destined for the interface 408 are directed to the router therein by the voice mail system master control unit (MCU) 123. The PSTNs serve subscribers or customers via illustrative telephone terminals 416-426, which may if desired be POTS terminals.

This is a type of conventional arrangement involving two separate centralized voice mail systems. See Bartholomew in FIG. 4 and at column 22, lines 50-54. It is readily apparent from FIG. 4 that the voice mail systems 374 and 376 of FIG. 4, and by extension the voice mail systems 404 and 406 of FIG. 8, are not distributed front-end messaging systems as alleged by the Examiner, nor is there any centralized data store. As indicated above, a centralized data store as recited in claim 1 stores data associated with users of the distributed front-end messaging systems, and the front-end messaging systems store different portions of the same data stored by the centralized data store. This is clearly not the case in Bartholomew. Accordingly, it is believed that the collective teachings of Hogan and Bartholomew fail to meet the limitations of claim 1.

With regard to motivation to combine Hogan and Bartholomew, the Examiner provides the following statement in the Office Action at page 3, last paragraph, to page 4, first paragraph:

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Hogan using the teaching of voice messaging systems as taught by Bartholomew.

This modification of the invention enables the system to have distributed front-end messaging systems being remotely located so that the user would transfer the voice message to another.

Applicants respectfully submit that the proffered statement fails to provide sufficient objective motivation for the combination. The Federal Circuit has stated that when patentability turns on the question of obviousness, the obviousness determination “must be based on objective

evidence of record” and that “this precedent has been reinforced in myriad decisions, and cannot be dispensed with.” In re Sang-Su Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Moreover, the Federal Circuit has stated that “conclusory statements” by an Examiner fail to adequately address the factual question of motivation, which is material to patentability and cannot be resolved “on subjective belief and unknown authority.” Id at 1343-1344. The statement listed above is believed to be a conclusory statement based on the type of “subjective belief and unknown authority” that the Federal Circuit has indicated provides insufficient support for an obviousness rejection. For example, the Examiner states that it would be obvious to modify Hogan to incorporate Bartholomew so that one messaging system could transfer a message to another messaging system. However, Bartholomew teaches to do this by simply sending a message from one system to the other over the Internet 414, and not through the use of a centralized data store which stores centralized data with portions of that centralized data also being stored in distributed front-end messaging systems. Accordingly, the proffered statement fails to address the actual limitations of the claim. As noted above, the collective teachings of Bartholomew and Hogan fail to meet the centralized data store as recited. Their individual and collective failures to suggest utilization of a centralized data store are believed to constitute teachings away from the claimed invention.

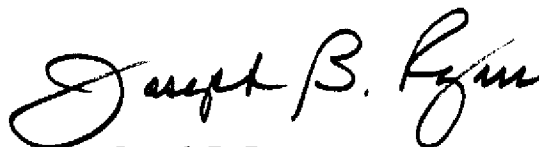
It is therefore believed that the limitations of claim 1 are not obvious in view of the collective teachings of Hogan and Bartholomew.

Independent claims 14 and 18 are believed allowable for reasons similar to those outlined above with regard to claim 1.

Dependent claims 2-13 and 15-17 are believed allowable at least by virtue of their dependence from their respective independent claims.

In view of the above, Applicants believe that claims 1-18 are in condition for allowance, and respectfully request the withdrawal of the §103(a) rejection.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" and last name "Ryan" clearly legible.

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